
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

Proposed Rule
LSA Document #14-111**DIGEST**

Adds [329 IAC 12-2-8.5](#), [329 IAC 12-2-8.7](#), [329 IAC 12-2-11.2](#), [329 IAC 12-2-51.5](#), [329 IAC 12-7-6.5](#), [329 IAC 12-8-2.1](#), [329 IAC 12-8-3.1](#), [329 IAC 12-8-4.1](#), [329 IAC 12-9-2.1](#), [329 IAC 12-9-3.1](#), and [329 IAC 12-9-4.1](#) and amends [329 IAC 10-8-2-4](#), [329 IAC 12-2-2.2](#), [329 IAC 12-2-2.4](#), [329 IAC 12-2-5.1](#), [329 IAC 12-2-5.2](#), [329 IAC 12-2-6](#), [329 IAC 12-2-16](#), [329 IAC 12-2-31.5](#), [329 IAC 12-2-44](#), [329 IAC 12-2-46](#), [329 IAC 12-2-49](#), [329 IAC 12-2-54](#), [329 IAC 12-3-1](#), [329 IAC 12-3-2](#), [329 IAC 12-7-1](#), [329 IAC 12-7-2](#), [329 IAC 12-7-3](#), [329 IAC 12-7-5](#), [329 IAC 12-7-6](#), [329 IAC 12-7-7](#), [329 IAC 12-8-1](#), [329 IAC 12-8-8](#), [329 IAC 12-8-9](#), [329 IAC 12-8-10](#), [329 IAC 12-9-1](#), [329 IAC 12-9-5](#), [329 IAC 12-9-6](#), and [329 IAC 12-9-7](#), concerning solid waste facility operator certification. Repeals [329 IAC 12-2-2](#), [329 IAC 12-2-2.1](#), [329 IAC 12-2-2.3](#), [329 IAC 12-2-4](#), [329 IAC 12-2-5](#), [329 IAC 12-2-11.1](#), [329 IAC 12-2-13](#), [329 IAC 12-2-15](#), [329 IAC 12-2-24](#), [329 IAC 12-2-27](#), [329 IAC 12-2-27.2](#), [329 IAC 12-2-30](#), [329 IAC 12-2-33](#), [329 IAC 12-2-36](#), [329 IAC 12-2-38](#), [329 IAC 12-2-39](#), [329 IAC 12-2-42](#), [329 IAC 12-2-45](#), [329 IAC 12-7-4](#), [329 IAC 12-8-2](#), [329 IAC 12-8-3](#), [329 IAC 12-8-4](#), [329 IAC 12-8-5](#), [329 IAC 12-8-6](#), [329 IAC 12-8-7](#), [329 IAC 12-9-2](#), [329 IAC 12-9-3](#), and [329 IAC 12-9-4](#). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: April 16, 2014, Indiana Register (DIN: [20140416-IR-329140111FNA](#)).

Second Notice of Comment Period: July 22, 2015, Indiana Register (DIN: [20150722-IR-329140111SNA](#)).

Notice of First Hearing: July 22, 2015, Indiana Register (DIN: [20150722-IR-329140111PHA](#)).

Change in Notice of Public Hearing: September 9, 2015, Indiana Register (DIN: [20150909-IR-329140111CHA](#)).

Change in Notice of Public Hearing: January 6, 2016, Indiana Register (DIN: [20160106-IR-329140111CHA](#)).

Date of First Hearing: February 10, 2016.

PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#), until the board has conducted a third comment period that is at least 21 days long.

REQUEST FOR PUBLIC COMMENTS

This proposed (preliminarily adopted) rule is substantively different from the draft rule published on July 22, 2015, at DIN: [20150722-IR-329140111SNA](#). The Indiana Department of Environmental Management (IDEM) is requesting comment on the entire proposed (preliminarily adopted) rule.

The proposed rule contains numerous changes from the draft rule that make the proposed rule so substantively different from the draft rule that public comment on the entire proposed rule is advisable. This notice requests the submission of comments on the entire proposed rule, including suggestions for specific amendments. These comments and the department's responses thereto will be presented to the board for its consideration at final adoption under [IC 13-14-9-6](#). Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #14-111 Solid Waste Facility Operator Certification
Dan Watts
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 233-8903.

- (3) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is

intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than April 6, 2016. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from July 22, 2015, through August 21, 2015, on IDEM's draft rule language. IDEM received comments from the following parties:

William Paraskevas, Indiana Chapter of the National Waste and Recycling Association (WP)

Ralph Collins, Hoosier Chapter of the Solid Waste Association of North America (RC)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: Proposed [329 IAC 12-2-2.4](#) limits the definition of the provider to a person or a postsecondary learning institution. Unless the definition of "person" is broadly construed to include organizations and business entities, this definition seems to eliminate employer-provided training and the training offered by the Hoosier chapter of SWANA, which are the only programs currently provided. (WP)

Comment: We believe that [329 IAC 12-9-2.1](#) is somewhat ambiguous with regard to whether the term Training Course Provider refers to an individual instructor or an institution, organization, or company. (RC)

Response: The proposed definition of "accredited training course provider" at [329 IAC 12-2-2.4](#) is amended to include the terms "person" or "organization". As noted at [329 IAC 12-2-1](#), all terms defined in [IC 13-11-2](#) apply throughout [329 IAC 12](#), including the statutory definition of "person" at [IC 13-11-2-158](#). The definition of "person" at [IC 13-11-2-158](#) includes "an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, a political subdivision, a state agency, a contractor, or any other legal entity."

Therefore, the definition of "accredited training course provider" includes various types of individuals, organizations, business entities, companies, instructors, and institutions. The definition does not restrict employer-provided training or the training offered by the Hoosier chapter of SWANA, as long as the training course providers meet all applicable requirements of [329 IAC 12](#).

Comment: We believe that it is a significant improvement to the program for IDEM to allow different options for recertification at [329 IAC 12-7-6\(a\)](#), but we feel that the specification of IACET accreditation is not appropriate. They have a fairly small list of accredited providers and a complete lack of content that is applicable to our industry. There are a number of certification programs offered by industry organizations that are rigorous and should be considered equivalent to the Indiana Solid Waste Operator Certification. For example, SWANA's Manager of Landfill Operations (MOLO) certification provides significant training, a certification exam, and substantial continuing education requirements to maintain certification. (RC)

Comment: Under the proposal, CEUs will be recognized only from courses and instructors approved by the International Association for the Continuing Education and Training (IACET). A search of this organization's website for approved providers under the heading of "environmental" discovered only two organizations; the Indian Health Service Environmental Program in New Mexico and United States Environmental Services LLC in Mississippi, which provides HAZWOPER and related safety training programs. Organizations such as the Solid Waste Association of North America (SWANA), the National Waste & Recycling Association (NW&RA) and the Environmental Research and Education Foundation (EREF), which offer nationally-recognized training in the solid waste field, are not part of IACET. Furthermore, it appears that IACET's accreditation process would be a deterrent to organizations that would be interested in providing training for solid waste operators in Indiana.

We suggest that CEUs be recognized for courses approved by the State that deal with technical matters directly related to landfill or incinerator operations or general matters to the responsibilities of a solid waste facility operator. These courses could be offered by a wide range of organizations, including the following:

- National Waste & Recycling Association,
- Solid Waste Association of North America,
- Environmental Research and Education Foundation,
- Air & Waste Management Association,
- Central Indiana Technical and Environmental Societies (CITES) Symposium, and
- Indiana Chamber of Commerce Environmental Conference. (WP)

Comment: As it is currently written at [329 IAC 12-7-6.5](#), this is a very cumbersome process and the Hoosier Chapter of SWANA believes that IDEM is being overly specific in the requirements, potentially preventing operators from being exposed to new material and new ideas because of the specific laundry list of training requirements. The solid waste industry, through organizations such as SWANA; the National Waste and Recycling Association; the Applied Research Foundation; and the Environmental Research and Education

Foundation, supports the development and creation of a wealth of cutting edge research, sound operational practices, and lessons learned. This information is readily available through traditional hard-copy publication, online courses, webinars, or in-person courses and conferences. We believe that a healthy mix of the information available, through the various media formats, will result in broader development of the solid waste operators generally. Furthermore, enabling this modular approach to continuing education would allow for the development of meaningful courses addressing updates to the legislation, regulation, and IDEM policies that affect our industry. (RC)

Response: IDEM has amended [329 IAC 12-7-6](#) and [329 IAC 12-7-6.5](#) to allow more flexibility for recertification through continuing education. Rather than require continuing education courses and instructors to be approved by the IACET, IDEM has amended [329 IAC 12-7-6.5\(2\)](#) to require continuing education providers to have relevant experience in the solid waste management industry and provide continuing education that meets the topic requirements in [329 IAC 12-8-3.1\(c\)](#) and [329 IAC 12-9-3.1\(b\)](#).

IDEM is proposing to reduce the specificity of the topic requirements at [329 IAC 12-8-3.1\(c\)](#) and [329 IAC 12-9-3.1\(b\)](#) and make the topics consistent across all certification and recertification methods. The revised topic requirements will allow more flexible content for examination, training course, and continuing education, rather than requiring providers to cover dozens of specific topics.

IDEM has added definitions for "continuing education" at [329 IAC 12-2-8.5](#) and "continuing education provider" at [329 IAC 12-2-8.7](#) to clarify the meaning of those terms. IDEM will change the term "continuing education unit" at [329 IAC 12-2-8.5](#) to "continuing education" because the term "continuing education unit" is commonly used for other professions and certifications, and IDEM intends to prevent confusion between the usage of "continuing education" in this rule with other uses of the term. In addition, IDEM will use the term "session" instead of "course" for continuing education because IDEM will allow nontraditional course activities such as attending conference presentations to count towards continuing education.

Comment: Proposed [329 IAC 12-7-5](#) allows for reciprocity for a solid waste operator by an accrediting institution other than an accredited provider for the state of Indiana. It's not clear how the accrediting institution would be identified and recognized. (WP)

Response: IDEM has decided to maintain the original language in [329 IAC 12-7-5\(a\)](#) that reads "in another state". IDEM has determined that the proposed language "other than an accredited provider for the state of Indiana" is ambiguous and strays from IDEM's original intent to allow reciprocity for solid waste facility operators that were accredited in other states, rather than any nonaccredited provider within Indiana and other states. IDEM hopes to eliminate any confusion caused by this amendment.

Comment: Proposed [329 IAC 12-7-6](#) states that recertification is valid for three years from the date of the most recently completed training course, examination, or CEU. This could result in a constantly changing expiration date for each operator that would be confusing to keep track of for both the operator and the State. Furthermore, if the full of CEU courses for recertification were taken in the first year of the certification period, the operator would lose two years of certification. We suggest that the renewal dates of the certification and re-certification periods be fixed. This could be tied to the date of the initial certification or to set date(s) during the year, such as the end of each quarter. (WP)

Comment: [329 IAC 12-7-6\(c\)](#). The Hoosier Chapter of SWANA does not believe that the term of a re-certification should be determined by the date of the training or exam. We believe that the term of a re-certification should instead be based on the original certification date in order to keep the expiration dates readily ascertainable and understandable to the operators. (RC)

Response: The intent of the original proposal at [329 IAC 12-7-6\(c\)](#) was to prevent more than three years to elapse between operator recertification submittals. For example, if the expiration date of the certificate is extended three years from the current expiration date, and the operator takes a training course as early as possible during the first year of certification, the operator may go nearly six years without completing another training course for recertification.

In the draft rule for preliminary adoption, IDEM is proposing revisions to [329 IAC 12-7-6](#) that accommodate a consistent expiration date without allowing significantly more than three years between recertification. At [329 IAC 12-7-6\(c\)](#), IDEM will require operators to complete a recertification method (examination, training course, or continuing education) only within the three years prior to the expiration date of the certificate. If the operator completes a recertification method within the ninety days prior to the expiration date of the certificate, the operator is recertified for three years from the current expiration date. For a recertification method that is completed more than ninety days prior to the expiration date, the valid certificate is extended for three years from the date of the completed recertification method. In addition, [329 IAC 12-7-6\(e\)](#) allows the operator to request a specific expiration date that is not more than three years from the date of the completed recertification method.

Comment: From the text at [329 IAC 12-7-2\(g\)\(3\)](#), it appears that the department is planning to issue photographic IDs to the certified operators. We believe that it would be more appropriate for the department to simply require the certified operator to maintain, and produce on request, a government issued photo ID and the department issued certificate. (RC)

Response: IDEM does not intend to issue photographic IDs for certified operators. At [329 IAC 12-7-2\(g\)\(3\)](#),

IDEM will delete "photographic identification card" and replace with the phrase "government-issued photographic identification" to clarify the intent of the requirements.

Comment: The rule at [329 IAC 12-9-3.1](#) encourages the development of a single 6-hour re-certification course which is meant to cover the long, prescriptive list of around 50 specific topics listed in the rule (for Category II operators). The rule goes on to describe the process for training course approval and prohibits a change in course content without IDEM approval. While we would agree that a certain threshold of 'basic' knowledge is appropriate at the time of initial certification, the Hoosier Chapter of SWANA believes that this approach can lead to a stagnant curriculum for a re-certification course. There is a requirement in [329 IAC 12-9-5](#) for the accredited training course provider to develop and submit an updated training course as part of their reaccreditation application, but with the long, detailed list of required topics, the developer of the course does not have the opportunity to be very creative. Instead we believe that allowing for a more modular re-certification process made up of 1-hour components that may be more focused on a particular subject, would ultimately result in improving the qualification of landfill operators as a whole. (RC)

Response: IDEM has reduced the specificity of the examination and training course requirements in [329 IAC 12-8-3.1\(c\)](#) and [329 IAC 12-9-3.1\(b\)](#) by allowing more general topics rather than dozens of specific items. IDEM will continue to require the accredited provider to submit changes in course content to IDEM for approval, in order to verify that the course content meets the requirements of [329 IAC 12-8-3.1\(c\)](#) and [329 IAC 12-9-3.1\(b\)](#).

IDEM will continue to require certain topics to be covered in a training course for recertification, but not require an exact amount of time dedicated to certain topics. The exact amount of time dedicated to a topic will vary in duration, depending upon the extent of updates for each topic.

Comment: The Hoosier Chapter of SWANA applauds the fact that IDEM is encouraging the training providers to submit the complete application without delay, but we feel like one week may not be feasible in all situations and therefore request that IDEM revise that language at [329 IAC 12-9-4.1\(a\)](#) to allow the training provider 30 days to submit complete applications. (RC)

Response: IDEM will extend the time period to two (2) weeks for the submittal of completed applications at both [329 IAC 12-9-4.1\(a\)](#) and [329 IAC 12-8-4.1\(a\)](#), which is a similar time period to other submittal deadlines throughout the rule.

Comment: [329 IAC 12-7](#) addresses certification of operators rather than accreditation, therefore we think that for clarity the language at [329 IAC 12-9-6](#) should be revised as follows: ". . . for the purpose of certifying and [sic] individual. . ." (RC)

Response: IDEM thanks the commenter for noticing this error and will delete "accrediting" and replace it with "certifying or recertifying" at both [329 IAC 12-9-6](#) and [329 IAC 12-8-9](#).

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On February 10, 2016, the Environmental Rules Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [329 IAC 12](#). Comments were made by the following parties:

Bill Paraskevas, Indiana Chapter of the National Solid Waste Management Association (BP)

Curt Publow, Hoosier Chapter of the Solid Waste Association of North America (CP)

Ralph Collins, Hoosier Chapter of the Solid Waste Association of North America (RC)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: We would like to thank IDEM for including us in this rule development process, and just encourage their advancement of these rules, and we would like to see the board adopt these rules as they've been presented. I just wanted to come in support of IDEM. (CP)

Comment: The Hoosier Chapter would like to express our appreciation to IDEM for engaging with the stakeholders in the rule development process. We feel that the certification program will benefit from the changes proposed and we applaud IDEM's efforts to improve the professionalism within the waste management industry. The Hoosier Chapter supports the preliminary adoption of the rules, as currently published. (RC)

Response: IDEM thanks the commenters for the support and feedback during the rulemaking process. The rules as presented were adopted by the board.

Comment: Our organization is also in support of these rules, and originally I had no comments to make, but during the course of this hearing, during the rule update, it was mentioned that the rules could be finally adopted at the May board meeting, which got me thinking about the schedule a little bit.

The rule could take effect during the middle of this year, when some organizations that are currently providing courses under the old rule may still have scheduled training classes or exams, and while there could be enough time for them to adjust that, I'd like to suggest that the department propose implementation of the new rule January 1st, which would give a certain date for people to focus on, and the January 1st date also corresponds to several sections of the draft rule, where January 1st is listed as a date for training course operators or exam providers to provide their accreditation. (BP)

Response: IDEM can accommodate this request by specifying a January 1, 2017, effective date in the proposed rule as preliminarily adopted that is presented for final adoption to the board. If the rule is finally adopted

by the board, the final rule sent to the Indiana Register for publication also will include the specified effective date.

[329 IAC 10-8.2-4](#); [329 IAC 12-2-2](#); [329 IAC 12-2-2.1](#); [329 IAC 12-2-2.2](#); [329 IAC 12-2-2.3](#); [329 IAC 12-2-2.4](#); [329 IAC 12-2-4](#); [329 IAC 12-2-5](#); [329 IAC 12-2-5.1](#); [329 IAC 12-2-5.2](#); [329 IAC 12-2-6](#); [329 IAC 12-2-8.5](#); [329 IAC 12-2-8.7](#); [329 IAC 12-2-11.1](#); [329 IAC 12-2-11.2](#); [329 IAC 12-2-13](#); [329 IAC 12-2-15](#); [329 IAC 12-2-16](#); [329 IAC 12-2-24](#); [329 IAC 12-2-27](#); [329 IAC 12-2-27.2](#); [329 IAC 12-2-30](#); [329 IAC 12-2-31.5](#); [329 IAC 12-2-33](#); [329 IAC 12-2-36](#); [329 IAC 12-2-38](#); [329 IAC 12-2-39](#); [329 IAC 12-2-42](#); [329 IAC 12-2-44](#); [329 IAC 12-2-45](#); [329 IAC 12-2-46](#); [329 IAC 12-2-49](#); [329 IAC 12-2-51.5](#); [329 IAC 12-2-54](#); [329 IAC 12-3-1](#); [329 IAC 12-3-2](#); [329 IAC 12-7-1](#); [329 IAC 12-7-2](#); [329 IAC 12-7-3](#); [329 IAC 12-7-4](#); [329 IAC 12-7-5](#); [329 IAC 12-7-6](#); [329 IAC 12-7-6.5](#); [329 IAC 12-7-7](#); [329 IAC 12-8-1](#); [329 IAC 12-8-2](#); [329 IAC 12-8-2.1](#); [329 IAC 12-8-3](#); [329 IAC 12-8-3.1](#); [329 IAC 12-8-4](#); [329 IAC 12-8-4.1](#); [329 IAC 12-8-5](#); [329 IAC 12-8-6](#); [329 IAC 12-8-7](#); [329 IAC 12-8-8](#); [329 IAC 12-8-9](#); [329 IAC 12-8-10](#); [329 IAC 12-9-1](#); [329 IAC 12-9-2](#); [329 IAC 12-9-2.1](#); [329 IAC 12-9-3](#); [329 IAC 12-9-3.1](#); [329 IAC 12-9-4](#); [329 IAC 12-9-4.1](#); [329 IAC 12-9-5](#); [329 IAC 12-9-6](#); [329 IAC 12-9-7](#)

SECTION 1. [329 IAC 10-8.2-4](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 10-8.2-4](#) Regulated asbestos-containing materials

Authority: [IC 13-14-8-7](#); [IC 13-15-2](#); [IC 13-19-3-1](#)

Affected: [IC 13-11-2-155](#); [IC 13-12](#); [IC 13-19](#); [IC 13-20-7-6](#)

Sec. 4. (a) Regulated asbestos-containing materials, except for Category II nonfriable asbestos-containing materials regulated under subsection (b), must be managed in accordance with the rules of the ~~air pollution control~~ board at [326 IAC 14-10](#), 40 CFR 61, Subpart M, revised as of February 12, 1999, and the following:

- (1) The generator shall provide the solid waste land disposal facility with sufficient notice in advance of the disposal such that the facility may prepare to accept the regulated asbestos-containing material.
- (2) All regulated asbestos-containing material must be handled in accordance with the wetting, packaging, and labeling provisions of 40 CFR 61.145(c), revised as of January 16, 1991, and 40 CFR 61.150(a), revised as of January 16, 1991.
- (3) Each load of regulated asbestos-containing material must be accompanied by a waste shipment record prepared on one (1) of the following:
 - (A) A form provided by the department.
 - (B) A form produced by the generator that includes all the information included on the form provided by the department.
- (4) All regulated asbestos-containing material must be disposed of in accordance with the provisions of the following:
 - (A) 40 CFR 61.154, revised as of January 16, 1991.
 - (B) The rules of the ~~air pollution control~~ board at [326 IAC 14-10](#).
 - (C) The following:
 - (i) There must not be direct physical contact between regulated asbestos-containing material and heavy equipment during disposal and covering operations.
 - (ii) All regulated asbestos-containing material must be covered with soil, approved alternative material, or solid waste before compaction with heavy equipment or within twenty-four (24) hours of receipt of the waste to prevent airborne release.
 - (iii) Any regulated asbestos-containing material that is improperly packaged or in which packaging has been damaged must be placed in the working face of the MSWLF unit or non-MSWLF unit and covered immediately after placement of the waste.
 - (iv) ~~An asbestos waste disposal manager~~ **A certified operator** shall be present at the MSWLF unit or non-MSWLF unit during all handling and disposal of regulated asbestos-containing material to ensure compliance with this subsection. ~~The asbestos waste disposal manager~~ **certified operator** shall be ~~licensed~~ **certified** in accordance with the rules of the ~~air pollution control~~ board at ~~[326 IAC 18-1](#)~~ [329 IAC 12](#).
 - (v) All personnel involved in off-loading or in covering shall use appropriate personal protective equipment as necessary to prevent exposure to any airborne release of asbestos fibers during disposal operations.
 - (vi) The solid waste land disposal facility must have a written contingency plan to safely control torn and broken containers. Dedicated equipment and supplies must be maintained at the facility to properly handle spilled or improperly packaged or wetted regulated asbestos-containing material. If release of asbestos-containing waste materials occurs, the solid waste land disposal facility must take immediate corrective action directed by the ~~asbestos waste disposal manager~~ **certified operator**.

(b) Category II nonfriable asbestos-containing material, as defined in 40 CFR 61.141, revised as of June 19,

1995, that has not been made friable by forces reasonably expected to act on the material before disposal must be managed in accordance with the following:

- (1) Subsection (a)(1).
- (2) Subsection (a)(3).
- (3) Subsection (a)(4).
- (4) Label the containers or wrapped materials using warning labels that meet the requirements of 29 CFR 1910.1001(j)(4), revised as of January 8, 1998, and include the information in the following figure:

DANGER CONTAINS ASBESTOS FIBERS AVOID CREATING DUST CANCER AND LUNG DISEASE HAZARD

- (5) For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

(c) 29 CFR 1910 and 40 CFR 61 are available from the Superintendent of Documents, U.S. Government Printing Publishing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. **732 North Capitol Street NW, Washington, D.C. 20401.**

(Solid Waste Management Division; [329 IAC 10-8.2-4](#); filed Jul 14, 2004, 9:15 a.m.: 27 IR 3962; readopted filed Aug 5, 2010, 10:56 a.m.: [20100825-IR-329100228BFA](#))

SECTION 2. [329 IAC 12-2-2.2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-2.2](#) "Accredited examination provider" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.2. "Accredited examination provider" means a person or ~~a postsecondary learning institution~~ **an organization** that provides an ~~accredited~~ examination for the purpose of certifying **or recertifying** operators in accordance with [329 IAC 12-7](#) and [329 IAC 12-8](#).

(Solid Waste Management Division; [329 IAC 12-2-2.2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1479; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 3. [329 IAC 12-2-2.4](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-2.4](#) "Accredited training course provider" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.4. "Accredited training course provider" means a person or ~~a postsecondary learning institution~~ **an organization** that provides an ~~accredited~~ a training course for the purpose of recertifying operators in accordance with [329 IAC 12-7](#) and [329 IAC 12-9](#).

(Solid Waste Management Division; [329 IAC 12-2-2.4](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 4. [329 IAC 12-2-5.1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-5.1](#) "Certificate" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.1. "Certificate" means a document issued by the commissioner to an individual meeting the ~~testing~~

applicable examination, training course, or continuing education requirements of [329 IAC 12-7](#) and [329 IAC 12-8](#); **this article.**

(Solid Waste Management Division; [329 IAC 12-2-5.1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 5. [329 IAC 12-2-5.2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-5.2](#) "Certified operator" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.2. "Certified operator" means an individual

(1) ~~with responsibility for the daily operation of the facility; and~~

(2) who holds a current certificate of training issued by the commissioner.

(Solid Waste Management Division; [329 IAC 12-2-5.2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 6. [329 IAC 12-2-6](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-6](#) "Collection container system" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 6. "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public such as a county wide collection box system. **has the meaning set forth in [329 IAC 10-2-31](#).**

(Solid Waste Management Division; [329 IAC 12-2-6](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1953; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 7. [329 IAC 12-2-8.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-2-8.5](#) "Continuing education" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8.5. "Continuing education" means participation in organized training or learning sessions with qualified continuing education providers and relevant subject matter pertaining to the operation of solid waste facilities.

(Solid Waste Management Division; [329 IAC 12-2-8.5](#))

SECTION 8. [329 IAC 12-2-8.7](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-2-8.7](#) "Continuing education provider" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8.7. "Continuing education provider" means a qualified person or organization that offers continuing education training or learning sessions pertaining to the operation of solid waste facilities.

(Solid Waste Management Division; [329 IAC 12-2-8.7](#))

SECTION 9. [329 IAC 12-2-11.2](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-2-11.2](#) "Examination" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 11.2. "Examination" means a set of questions, problems, and other tests of knowledge conducted by an accredited examination provider for the purposes of testing individuals seeking certification or recertification as solid waste facility operators.

(Solid Waste Management Division; [329 IAC 12-2-11.2](#))

SECTION 10. [329 IAC 12-2-16](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-16](#) "Ground water" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 16. "Ground water" means water below the land surface in the zone of saturation. has the meaning set forth in [329 IAC 10-2-85](#).

(Solid Waste Management Division; [329 IAC 12-2-16](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1954; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 11. [329 IAC 12-2-31.5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-31.5](#) "Recertification" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 31.5. "Recertification" means the procedures under [329 IAC 12-7](#) and [329 IAC 12-9](#) to renew a certification certificate for a certified operator meeting the applicable examination, training course, or continuing education requirements of this article.

(Solid Waste Management Division; [329 IAC 12-2-31.5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 236; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 12. [329 IAC 12-2-44](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-44](#) "Solid waste facility" or "facility" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 44. "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for processing, storing in conjunction with processing or disposal, or disposing of solid waste and may consist of several processing, storage, or disposal operational units, for example, one (1) or more landfills, surface impoundments, or combinations thereof. has the meaning set forth in [329 IAC 10-2-69](#).

(Solid Waste Management Division; [329 IAC 12-2-44](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 13. [329 IAC 12-2-46](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-46](#) "Solid waste management" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 46. "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste. **has the meaning set forth in [329 IAC 11-2-42](#).**

(Solid Waste Management Division; [329 IAC 12-2-46](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 14. [329 IAC 12-2-49](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-49](#) "Surface impoundment" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 49. (a) "Surface impoundment" means a facility or part of a facility that:

- (1) is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials, although it may be lined with manmade materials;
- (2) holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids; and
- (3) is not an injection well.

(b) Examples of surface impoundments may include the following:

- (1) Holding, storage, settling, and aeration pits.
- (2) Holding, storage, settling, and aeration ponds.
- (3) Holding, storage, settling, and aeration lagoons.

has the meaning set forth in [329 IAC 11-2-45](#).

(Solid Waste Management Division; [329 IAC 12-2-49](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1958; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 15. [329 IAC 12-2-51.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-2-51.5](#) "Training course" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 51.5. "Training course" means a course conducted by an accredited training course provider for the purposes of providing solid waste facility operator training for recertification.

(Solid Waste Management Division; [329 IAC 12-2-51.5](#))

SECTION 16. [329 IAC 12-2-54](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-2-54](#) "Vector" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 54. "Vector" means any animal capable of harboring and transmitting micro-organisms from one (1) animal to another or to a human. **has the meaning set forth in [329 IAC 11-2-48](#).**

(Solid Waste Management Division; [329 IAC 12-2-54](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1959; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#);

SECTION 17. [329 IAC 12-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-3-1](#) Exclusions; general

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-20-10](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. The following solid waste management activities are not subject to the provisions of **operator certification requirements** under this article:

- (1) ~~Disposing of only uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt. The operation of solid waste processing facilities permitted under [329 IAC 11](#), except incinerators and waste-to-energy facilities.~~
- (2) Land application activities regulated by [327 IAC 6](#) and [327 IAC 7](#). [327 IAC 6.1](#) and [327 IAC 7.1](#).
- (3) Confined feeding control activities regulated by ~~[IC 13-18-10](#)~~. [327 IAC 15-16](#) and [327 IAC 19](#).
- (4) Wastewater discharge activities regulated by [327 IAC 5](#).
- (5) ~~Processing, except for incineration, in which the waste, other than tires, has been segregated from the general solid waste stream prior to arrival at the processing site. The operation of waste tire processing operations and storage sites registered under [329 IAC 15](#).~~
- (6) ~~Processing, except for incineration, of solid waste which takes place at the generating facility. The operation of electronic waste storage and processing facilities registered under [329 IAC 16](#).~~
- (7) ~~Processing and disposal of uncontaminated and untreated natural growth solid waste including tree limbs, stumps, leaves, and grass clippings. The operation of composting facilities registered under [IC 13-20-10](#).~~
- (8) ~~Disposal of sawdust which is derived from processing untreated natural wood. The operation of biomass anaerobic digestion facilities and biomass gasification facilities registered under [329 IAC 11.5](#).~~
- (9) ~~The disposal of coal ash, transported by water, into an ash pond which has received a water pollution control facility construction permit under [327 IAC 3](#). The operation of mobile home salvaging facilities registered under [329 IAC 11.6](#).~~
- (10) ~~The operation of surface impoundments, however, the final disposal of solid waste in such facilities at the end of their operation is subject to approval by the commissioner except as excluded under subdivisions (9) and (11). The operation of facilities that burn alternative fuel registered under [329 IAC 11.7](#).~~
- (11) ~~The disposal of coal ash at a site receiving a total of less than one hundred (100) cubic yards per year from generators who each produce less than one hundred (100) cubic yards per year.~~
- (12) ~~Uses and disposal of coal waste as exempted from regulation in [IC 13-19-3-3](#).~~
- (13) ~~The legitimate use of iron and steelmaking slags including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).~~
- (14) ~~The legitimate use of foundry sand which has been demonstrated as suitable for restricted waste site Type III under the provisions of [329 IAC 10-9](#), including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).~~
- (15) ~~Other uses of solid waste may be approved by the commissioner if the commissioner determines them to be legitimate uses that do not pose a threat to public health and the environment.~~

(Solid Waste Management Division; [329 IAC 12-3-1](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 18. [329 IAC 12-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-3-2](#) Exclusion; hazardous waste

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. (a) Hazardous wastes are regulated by and shall be treated, stored, and disposed of in accordance with [329 IAC 3.1](#). Hazardous waste that is regulated by [329 IAC 3.1](#) is not subject to the provisions of this article.

~~(b) No hazardous waste that is regulated by [329 IAC 3.1](#) shall be disposed at any solid waste facility regulated under this article.~~

(c) For the purposes of this article, "hazardous waste that is regulated by [329 IAC 3.1](#)" does not include hazardous waste that is generated in quantities less than one hundred (100) kilograms per month and is therefore excluded from regulation under the hazardous waste management article, [329 IAC 3.1](#). Such small quantities of hazardous waste shall be disposed of in accordance with [329 IAC 10](#).

(d) Facilities permitted under [329 IAC 3.1](#) are not required to obtain permits under this article for the storage, treatment, or disposal of nonhazardous solid waste where such solid waste is treated or disposed of as a hazardous waste at the receiving hazardous waste facility.

(Solid Waste Management Division; [329 IAC 12-3-2](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 19. [329 IAC 12-7-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. (a) This rule ~~shall apply~~ **applies** to individuals responsible for operation **until final closure certification** of the following facilities in accordance with [329 IAC 10](#) or [329 IAC 11](#):

- (1) Permitted solid waste incinerators and waste-to-energy facilities.
- (2) Permitted municipal and nonmunicipal solid waste land disposal facilities.
- (3) Permitted restricted waste sites and construction/demolition sites.

~~(b) The operators of the following facilities are deemed certified under this rule:~~

- ~~(1) Permitted hazardous waste treatment, storage, and disposal facilities that comply with the training requirements under [329 IAC 3.1-9](#).~~
- ~~(2) Incinerators described under [329 IAC 11-19-2](#)(a).~~

(b) An incinerator operator that complies with the training requirements in [326 IAC 11-7-5](#) is deemed a certified operator for the purposes of this rule if the incinerator:

- (1) is defined under [329 IAC 11-2-16](#); and**
- (2) burns municipal solid waste.**

(c) An operator of a permitted hazardous waste treatment, storage, and disposal facility that complies with the training requirements under [329 IAC 3.1-9](#) is deemed a certified operator for the purposes of this rule.

(Solid Waste Management Division; [329 IAC 12-7-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 20. [329 IAC 12-7-2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-2](#) General provisions

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2. (a) Solid waste management facilities ~~to which this rule applies~~ **described in section 1 of this rule** must have at least one (1) interim or certified operator at the facility at all times when the ~~solid waste management facility designated under section 1(a) of this rule~~ is in operation. If the interim or certified operator is absent from the facility, the interim or certified operator ~~shall remain~~ **must be** available ~~through contact by electronic communication device or telephone~~.

(b) Except as provided in subsection (c) or (e), or (f), an individual shall not perform the duties of an operator

unless that individual has a valid certificate from the commissioner.

~~(c) An individual who performs the duties of an operator on or before the effective date of this rule shall be considered an interim operator and may continue to perform the duties of a certified operator. However, an interim operator shall pass an accredited examination and receive a certificate under this rule and [329 IAC 12-8](#) no later than one (1) year after the effective date of this rule. A solid waste facility may operate with an interim operator if the certified operator:~~

- ~~(1) leaves employment at the facility; or~~
- ~~(2) is unable to fulfill the duties of a certified operator.~~

~~(d) A solid waste facility must keep the following information for each interim operator the solid waste management facilities designated in section 1(a) of this rule shall keep the following information in the operating record:~~

- ~~(1) The name of the interim operator.~~
- ~~(2) The date on which the interim operator was designated responsible for the operation of the facility.~~

~~(e) A solid waste management facility may operate a facility with an interim operator if the certified operator:~~

- ~~(1) leaves the employment of the facility; or~~
- ~~(2) is unable to fulfill the responsibilities of certified operator for a period of time.~~

~~(f) (e) An interim operator designated under subsection (e) (c) may serve for up to one hundred twenty (120) days after the:~~

- ~~(1) departure of the certified operator; or~~
- ~~(2) date the certified operator is unable to fulfill the duties of a certified operator.~~

~~(g) (f) A request for an extension of the one hundred twenty (120) day time period may be made by:~~

- ~~(1) submitting a written request for extension to the commissioner; and~~
- ~~(2) providing an explanation of the reason the extension is being requested.~~

~~(h) The certificate shall be posted in the office at the facility for the certified operator. Certified operators shall have available at the permitted facility a photographic identification card, such as driver's license or other picture identification card, when serving as the facility's certified operator. The certificate and photographic identification card shall both be available for inspection by the department representatives during an inspection.~~

(g) The certified operator shall:

- (1) post the certificate in the office of the facility at which the individual is currently serving as a certified operator; and**
- (2) make the certificate and a government-issued photographic identification available for inspection upon request by a department representative during an inspection.**

(h) When an operator begins or terminates employment with a facility, the facility must notify the department in writing with the following information:

- (1) The name of the new or former operator.**
- (2) The date that the new operator begins employment or the former operator terminates employment.**

(Solid Waste Management Division; [329 IAC 12-7-2](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 21. [329 IAC 12-7-3](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-3](#) Examination for operator certification and recertification; classification and application

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3. (a) A certification shall be issued by The commissioner **shall issue a certificate** to an individual who

demonstrates the skill and knowledge necessary to operate the appropriate type of solid waste management facility through

- ~~(1) testing an examination for the initial certification. or~~
- ~~(2) attendance in an accredited training course for recertification.~~

(b) Certificates ~~shall be~~ **are** classified as follows:

- (1) Category I certification for operators of solid waste incinerators and waste-to-energy facilities.
- (2) Category II certification for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III certification for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV certification for a specific facility.

(c) An individual certified to operate a Category II facility shall also be considered certified to operate a Category III facility.

(d) An individual certified to operate only a Category III or Category IV facility is not considered certified to operate a Category II facility and must obtain a separate certification for a Category II facility.

~~(d) (e)~~ **(e)** An individual seeking certification ~~or recertification~~ **by examination** must complete an application **on forms approved by the commissioner and** provided by the ~~approved~~ **accredited** examination provider ~~or the accredited training course provider that contains~~ **under 329 IAC 12-8. The application must include the following:**

- ~~(1) The name of the individual seeking certification. or recertification.~~
- ~~(2) The name, full address, and telephone number of the facility at which the individual is currently employed,~~ **serving as an operator, if applicable.**
- ~~(3) The type of facility at which the individual is currently employed,~~ **serving as an operator, if applicable.**
- ~~(4) The type category of certification sought by the applicant.~~
- ~~(5) A statement to be signed by the individual seeking certification. or recertification. The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."~~

~~(e) An initial~~ **(f) A** certificate granted under subsection ~~(a)(1) or section 5 of this rule shall be~~ **(a) is** valid for ~~one~~ **three (3) years** from the date of issuance.

~~(f) Individuals certified or recertified in accordance with 40 CFR 60.56a(d) may request to receive Category IV certification or recertification by submitting the following to the commissioner:~~

- ~~(1) An application containing the information specified in subsection (d)(1) through (d)(5).~~
- ~~(2) A copy of the current certification obtained under 40 CFR 60.56a(d).~~
- ~~(3) Documentation of receipt of any annual training or update required under 40 CFR 60.56a(d).~~

(g) With the application for certification, the individual may request an alternative expiration date that is not later than the date established in subsection (f).

(Solid Waste Management Division; [329 IAC 12-7-3](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1618; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 22. [329 IAC 12-7-5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-5](#) Reciprocity

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) ~~Any~~ **An** individual seeking certification who ~~has been~~ **is** certified as a solid waste facility operator by an accrediting ~~institution~~ **organization** in another state may be designated a certified operator for a facility that is comparable to the facility that the individual ~~was~~ **is** certified to operate in another state.

- (b) A request for a certificate from the commissioner may be made by submitting the following:
- (1) An application on forms ~~prescribed~~ **approved** by the commissioner.
 - (2) A copy of a **valid** solid waste facility operator certification from an accrediting ~~institution~~ **organization** in another state.

(c) Upon receipt of a certificate from the commissioner, the individual seeking reciprocity may begin to operate a facility comparable to the facility for which certification was received from another state.

(d) A certificate issued under this section is valid for one (1) year from the date of issuance.

(Solid Waste Management Division; [329 IAC 12-7-5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 23. [329 IAC 12-7-6](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-7-6](#) Operator recertification; expired certificate

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. (a) ~~To renew, an operator must take an accredited training course approved by the commissioner under [329 IAC 12-9](#). A certified operator must complete an accredited training course prior to expiration of the operator's valid certificate. or an operator with an expired certification may recertify by completing the following:~~

(1) At least one (1) of the following recertification methods:

(A) An examination conducted by an accredited examination provider under [329 IAC 12-8](#).

(B) A training course of at least six (6) hours in duration conducted by an accredited training course provider under [329 IAC 12-9](#).

(C) Continuing education in accordance with section 6.5 of this rule.

(2) An application in accordance with subsection (b).

~~(b) A certified operator completing one (1) or more accredited training courses in the twelve (12) months prior to the expiration of that operator's valid certificate shall be recertified. Recertification renews that operator's valid certificate for one (1) year from the expiration date of the certificate that was valid at the time of the training. A certified operator seeking recertification shall complete an application on forms approved by the commissioner that includes the following updated information:~~

~~(1) The name of the individual seeking recertification.~~

~~(2) The name, full address, and telephone number of the facility at which the individual is currently serving as certified operator, if applicable.~~

~~(3) The type of facility at which the individual is currently serving as certified operator, if applicable.~~

~~(4) The category of recertification sought by the individual.~~

~~(5) A statement to be signed by the individual seeking recertification. The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."~~

(c) A certified operator must complete a recertification method in subsection (a)(1) within the three (3) years prior to the expiration date of the certificate.

(d) A certified operator that complies with subsections (a) through (c) is recertified for three (3) years from the:

(1) date of the most recently completed recertification method; or

(2) expiration date of the valid certificate if the operator completes a recertification method within the ninety (90) days prior to the expiration date of the certificate.

(e) With the application for recertification, the certified operator may request an alternative expiration date that is not later than the date determined in subsection (d).

(f) The commissioner may reissue a certificate to an operator with an expired certificate in accordance with the following:

- (1) After the expiration of the certificate, the operator must complete any of the recertification methods in subsection (a).
- (2) A certificate reissued under this subsection is valid for three (3) years from the date of reissuance.
- (3) With the application for a reissued certificate, the operator may request an alternative expiration date that is not later than the date determined in subdivision (2).

(Solid Waste Management Division; [329 IAC 12-7-6](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1619; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 24. [329 IAC 12-7-6.5](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-7-6.5](#) Operator recertification; continuing education

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6.5. A certified operator that seeks recertification through continuing education must complete ten (10) hours of continuing education as follows:

- (1) The ten (10) hours of continuing education must address six (6) or more of the topics specified in:
 - (A) [329 IAC 12-8-3.1\(c\)\(2\)](#);
 - (B) [329 IAC 12-8-3.1\(c\)\(3\)](#); and
 - (C) [329 IAC 12-9-3.1\(b\)\(2\)](#).
- (2) A continuing education provider must have relevant experience or qualifications in the solid waste management industry, including:
 - (A) educational background;
 - (B) academic work;
 - (C) professional experience; or
 - (D) practical experience.
- (3) The operator must complete the ten (10) hours of continuing education within the three (3) years prior to the expiration date of the certificate.
- (4) The operator may not use more than one (1) instance of the same continuing education session for a recertification submittal.
- (5) The operator shall record and retain the following information about each continuing education session:
 - (A) Title of the session.
 - (B) Date of attendance at the session.
 - (C) Name, address, e-mail address, and telephone number of the continuing education provider.
 - (D) Verification that the operator attended the session.
 - (E) Length of the session in one-half (0.5) hour increments.
 - (F) How the session addresses one (1) or more of the topics specified in:
 - (i) [329 IAC 12-8-3.1\(c\)\(2\)](#);
 - (ii) [329 IAC 12-8-3.1\(c\)\(3\)](#); and
 - (iii) [329 IAC 12-9-3.1\(b\)\(2\)](#).
- (6) Prior to the expiration date of the certificate, the operator shall submit to the department:
 - (A) the information recorded in subdivision (5) on forms approved by the commissioner; and
 - (B) the application required in section 6(b) of this rule.
- (7) Upon review of the information submitted in accordance with subdivision (6), the commissioner shall:
 - (A) make a determination on the qualifications of the providers and eligibility of the operator for recertification; and
 - (B) recertify an operator that fulfills the requirements of this rule.

(Solid Waste Management Division; [329 IAC 12-7-6.5](#))

SECTION 25. [329 IAC 12-7-7](#) IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-7-7 Certificate revocation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-7](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 7. (a) The commissioner may ~~make a decision to~~ revoke a certificate **under [IC 13-15-7](#)** if the certified operator ~~commits~~ **does** any of the following:

- (1) ~~Repeatedly Violates: a requirement or requirements of:~~
 - (A) [329 IAC 10](#), regarding operation of a solid waste facility;
 - (B) [329 IAC 11](#), regarding incinerator operation; or
 - (C) [329 IAC 12](#), regarding operator certification.
- (2) Endangers human health, safety, or the environment by knowingly or intentionally violating operating procedures of a solid waste facility.
- (3) Falsifies information provided to **any of the following:**
 - (A) The department. a
 - (B) **The commissioner.**
 - (C) **An accredited examination provider.** ~~of an accredited examination, or~~
 - (D) **An accredited training course provider.** ~~for certification purposes.~~
 - (E) **A continuing education provider.**
- (4) Falsifies information on an extension request for interim status.

(b) ~~A revoked certificate must be for a period established by the commissioner, but not less than six (6) months.~~ **When the commissioner revokes a certificate, the commissioner must establish a revocation time period of at least six (6) months.**

(c) ~~The certification may be revoked following the procedures under [IC 4-21-5](#).~~ **After the time period of revocation has expired, an operator with a revoked certificate must pass an examination to become certified, unless specified otherwise by the commissioner.**

(d) ~~Unless specified otherwise by the commissioner in a revocation of certification, a certified operator having a revoked certification must pass an accredited examination after the time period designated under subsection (b) of the revocation has expired to become certified after a revocation.~~ **The commissioner may permanently revoke a certificate:**

- (1) **for a violation under subsection (a)(2); or**
- (2) **if the certified operator has had more than one (1) revocation under this section.**

(e) ~~Permanent revocation of certification may be made by the commissioner for an operator with multiple violations or revocations.~~

(Solid Waste Management Division; [329 IAC 12-7-7](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 26. [329 IAC 12-8-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 8. Solid Waste Facility Operator Accredited Examination Provider Requirements

[329 IAC 12-8-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule shall apply ~~applies~~ to a person or postsecondary learning institution **an organization** that provides an accredited examination for the purpose of certifying **or recertifying** individuals under [329 IAC 12-7](#) and this rule.

(Solid Waste Management Division; [329 IAC 12-8-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 27. [329 IAC 12-8-2.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-8-2.1](#) Examination providers; application for accreditation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.1. (a) An examination provider must have a valid letter of accreditation from the commissioner to provide an examination for operator certification or recertification.

(b) A person or an organization seeking accreditation as an examination provider by the commissioner must submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

(c) Upon submittal of a complete application, the commissioner shall:

- (1) make a determination on the eligibility of the applicant for accreditation; and
- (2) issue a letter of accreditation to an applicant who meets the requirements of this rule.

(d) A letter of accreditation is valid for three (3) years from the date of issuance.

(e) If there is a change in the primary contact person, an accredited examination provider shall notify the department in writing of the change.

(f) An applicant or accredited examination provider must allow department representatives to take any examination, for the purposes of auditing, evaluating, and monitoring any examination without charge to the department. The department is not required to give advance notice of an audit.

(Solid Waste Management Division; [329 IAC 12-8-2.1](#))

SECTION 28. [329 IAC 12-8-3.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-8-3.1](#) Examination requirements

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3.1. (a) An examination must consist of at least fifty (50) multiple choice questions to demonstrate knowledge of the subject matter.

(b) An individual taking the examination must receive a score of at least seventy percent (70%) correct responses to receive certification or recertification.

(c) The examination must address the following subject matter:

- (1) A Category I examination must include questions about the topics required in [326 IAC 11-7-5](#).
- (2) A Category II, III, and IV examination must include questions that address each of the following topics:
 - (A) Waste generation, acceptance, screening, and handling.
 - (B) Landfill location restrictions and site selection.
 - (C) Landfill design and construction requirements.
 - (D) Landfill operational procedures, including:
 - (i) maintenance and monitoring requirements;
 - (ii) fire prevention and abatement;
 - (iii) leachate management; and
 - (iv) reporting and record keeping.
 - (E) Landfill storm water management.
 - (F) Landfill ground water monitoring and remediation.
 - (G) Management and disposal of certain solid waste specified in [329 IAC 10-8.2](#).

- (H) Landfill closure and post-closure care requirements.
- (I) Compliance with state and federal landfill regulatory requirements.
- (3) In addition to the topics required in subdivision (2), the examination for each category must include questions that address the following category-specific topics:
 - (A) For a Category II examination, the following:
 - (i) Waste characteristics, composition, and sources of:
 - (AA) municipal solid waste;
 - (BB) nonmunicipal solid waste; and
 - (CC) industrial solid waste.
 - (ii) Landfill operational procedures for:
 - (AA) gas extraction system management; and
 - (BB) explosive gases monitoring.
 - (B) For a Category III examination, the following:
 - (i) Waste characteristics, composition, and sources of:
 - (AA) restricted waste; and
 - (BB) construction/demolition waste.
 - (ii) Landfill operational procedures for dust control.
 - (C) For a Category IV examination, the following:
 - (i) The topics in clause (A) or (B), as applicable to the type of site.
 - (ii) Site-specific questions that address the topics applicable to the type of site for which the accredited provider developed the examination.
- (d) An individual may not use any of the following during an examination:
 - (1) Books.
 - (2) Notes.
 - (3) Charts.
 - (4) Any devices that can be used to record, transmit, receive, or play back the following content:
 - (A) Audio.
 - (B) Photographic.
 - (C) Text.
 - (D) Video.
- (e) Examinations developed by the accredited examination provider for the purpose of testing solid waste facility operators may not be shown or given to any person except for the following:
 - (1) The commissioner for approval under section 2.1 of this rule.
 - (2) The individual taking the examination during the time that the examination is administered.
- (f) An accredited examination provider shall provide verification of an examination to the department in accordance with section 4.1 of this rule.
- (g) An accredited examination provider may not use a changed examination without receiving prior approval from the commissioner. Before a change in the examination, an accredited examination provider shall:
 - (1) notify the department in writing of the change with an accompanying copy of the change; and
 - (2) receive approval from the commissioner.
- (h) An accredited examination provider shall send a written notice to the department with the location and time of the examinations:
 - (1) before January 1 of each year in which examinations are scheduled, if the information is available; or
 - (2) at least two (2) weeks in advance of the examination, if the information is not available before January 1 of each year.
- (i) An accredited examination provider shall send notice to the department at least two (2) weeks in advance of the examination if the:
 - (1) time or location of the examination changes; or
 - (2) examination is canceled.

(j) An accredited examination provider shall provide to an operator taking an examination the application for:

- (1) certification required in [329 IAC 12-7-3\(e\)](#); or
- (2) recertification required in [329 IAC 12-7-6\(b\)](#).

(Solid Waste Management Division; [329 IAC 12-8-3.1](#))

SECTION 29. [329 IAC 12-8-4.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-8-4.1](#) Verification of examination for certification and recertification

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within two (2) weeks after each examination, an accredited provider shall submit to the department the following information for examination verification:

- (1) The complete application for all individuals taking the examination required in [329 IAC 12-7-3\(e\)](#) or [329 IAC 12-7-6\(b\)](#).
- (2) The examination scores for all individuals taking the examination.

(b) The commissioner shall deny certification or recertification to an individual who:

- (1) has a revoked certificate for which the time period of revocation has not lapsed; or
- (2) failed to receive a passing score of at least seventy percent (70%) correct responses in accordance with section 3.1(b) of this rule.

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#).

(Solid Waste Management Division; [329 IAC 12-8-4.1](#))

SECTION 30. [329 IAC 12-8-8](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-8-8](#) Reaccreditation for an accredited examination provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 8. (a) An accredited examination provider seeking reaccreditation by the commissioner shall:

- (1) have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for providing accredited examinations for operators; **submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation;** and
- (2) submit a completed application on forms prescribed by the commissioner and include updated information as required in section 7(a)(2) of this rule: **develop and submit with the application an updated examination in accordance with this rule and [329 IAC 12-7](#).**

(b) Failure to submit a complete application within the time frame specified in subsection (a) may result in delay of a letter of reaccreditation.

~~(b)~~ (c) Upon review, **submittal of a complete application**, the commissioner shall:

- (1) make an initial a determination as to the eligibility of the examination for **on** reaccreditation; The commissioner shall **and**
- (2) issue a letter of reaccreditation to an accredited examination provider **applicant** that fulfills **meets** the requirements of this rule.

~~(e)~~ (d) A letter of reaccreditation shall be **is** valid for three (3) years from the date of issuance.

~~(d)~~ Within thirty (30) days of a change, an accredited examination provider shall notify the commissioner in writing of a change in the examination or primary contact person.

(Solid Waste Management Division; [329 IAC 12-8-8](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 31. [329 IAC 12-8-9](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-8-9](#) Representation of an accredited examination provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 9. No person shall make a representation as ~~providing an accredited examination~~ **an accredited examination provider** for the purpose of ~~accrediting~~ **certifying or recertifying** an individual under [329 IAC 12-7](#) and this rule without being currently accredited by the commissioner under this rule.

(Solid Waste Management Division; [329 IAC 12-8-9](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 32. [329 IAC 12-8-10](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-8-10](#) Accreditation revocation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 10. (a) The commissioner may revoke the accreditation of an examination **provider** if the ~~examination~~ **provider** ~~commits any of the following:~~

- (1) violates **or fails to meet** a requirement of this rule;
- (2) falsifies information on an application **under section 2.1 of this rule** to provide ~~accredited~~ examinations for individuals taking the examination;
- (3) falsifies information ~~on~~ **about** individuals taking the examination; **or**
- ~~(4) Fails to meet a qualification specified in sections 2 through 5 of this rule.~~
- ~~(5) (4) fails to provide a quality examination based on documented and verified complaints registered with the commissioner or the department about an examination.~~
- ~~(6) Has a continual failure rate of more than twenty percent (20%) of the individuals taking the examination.~~

(b) ~~The accreditation may be revoked following procedures~~ **A revocation may be appealed** under [IC 4-21.5](#).

(Solid Waste Management Division; [329 IAC 12-8-10](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 33. [329 IAC 12-9-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 9. Solid Waste Facility Operator Accredited Training Course Provider Requirements

[329 IAC 12-9-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule ~~shall apply~~ **applies** to a person or ~~postsecondary learning institution~~ **an organization** that provides ~~an accredited~~ a training course for the purpose of recertifying individuals under [329 IAC 12-7](#) ~~[329 IAC 12-8](#)~~; and this rule.

(Solid Waste Management Division; [329 IAC 12-9-1](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 34. [329 IAC 12-9-2.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-9-2.1](#) Training course providers; application for accreditation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.1. (a) A training course provider must have a valid letter of accreditation from the commissioner to provide a training course for operator recertification.

(b) A person or an organization seeking accreditation as a training course provider by the commissioner shall submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

(c) Upon submittal of a complete application, the commissioner shall:

- (1) make a determination on the eligibility of the applicant for accreditation; and
- (2) issue a letter of accreditation to an applicant who meets the requirements of this rule.

(d) A letter of accreditation is valid for three (3) years from the date of issuance.

(e) An accredited training course provider shall notify the department in writing of a change in:

- (1) instructional staff, including a copy of the required information on new instructional staff; or
- (2) primary contact person, including a copy of the required information for the new contact.

(f) An applicant or accredited training course provider must allow department representatives to attend, for purposes of auditing, evaluating, and monitoring, any training course without charge to the department. The department is not required to give advance notice of an audit.

(g) An accredited training course provider may use subcontractors to conduct training courses if the commissioner approves the use of subcontractors before the courses are provided.

(Solid Waste Management Division; [329 IAC 12-9-2.1](#))

SECTION 35. [329 IAC 12-9-3.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-9-3.1](#) Training course requirements for recertification

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 3.1. (a) Training courses are classified as follows:

- (1) Category I recertification training course for operators of solid waste incinerators and waste-to-energy facilities.
- (2) Category II recertification training course for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III recertification training course for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV recertification training course for a specific facility.

(b) The training course must provide a minimum of six (6) hours of instruction and include:

- (1) topics for the appropriate category of solid waste facility operation as specified in [329 IAC 12-8-3.1](#)(c); and
- (2) updates on:
 - (A) applicable Indiana legislation and regulations;
 - (B) applicable department policy;
 - (C) new or improved technologies;
 - (D) changes to processes; and

(E) industry trends.

(c) An accredited training course provider shall provide verification of training to the department in accordance with section 4.1 of this rule.

(d) An accredited training course provider may not change the course curriculum without receiving prior approval from the commissioner. Before a change in the course curriculum, a course provider shall:

- (1) notify the department in writing of the change with an accompanying copy of the change; and
- (2) receive approval from the commissioner.

(e) An accredited training course provider shall send a written notice to the department with the location and time of the training course:

- (1) before January 1 of each year in which training courses are scheduled, if the information is available; or
- (2) at least two (2) weeks in advance of the training course if the information is not available before January 1 of each year.

(f) An accredited training course provider shall send notice to the department at least two (2) weeks in advance of the training course if the:

- (1) time or location of the training course changes; or
- (2) training course is canceled.

(g) An accredited training course provider shall provide to an operator attending a training course the application for recertification required in [329 IAC 12-7-6\(b\)](#).

(Solid Waste Management Division; [329 IAC 12-9-3.1](#))

SECTION 36. [329 IAC 12-9-4.1](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 12-9-4.1](#) Verification of training course completion for recertification

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within two (2) weeks after each training course, an accredited training course provider must submit to the department the complete application required in [329 IAC 12-7-6\(b\)](#) for all individuals trained in the course.

(b) The commissioner shall deny recertification to an individual that has a revoked certification for which the time period of revocation has not lapsed.

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#).

(Solid Waste Management Division; [329 IAC 12-9-4.1](#))

SECTION 37. [329 IAC 12-9-5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-9-5](#) Reaccreditation for an accredited training course provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) A **an accredited** training course provider seeking reaccreditation ~~of an accredited training course~~ by the commissioner shall:

- (1) ~~have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for providing accredited training courses for operators;~~ **submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation;** and

~~(2) submit a completed application on forms prescribed by the commissioner and include updated information as required in section 4(a)(2) of this rule.~~ **develop and submit with the application an updated training course in accordance with this rule.**

(b) Failure to submit a complete application within the time frame specified in subsection (a) may result in delay of a letter of reaccreditation.

~~(b)~~ **(c) Upon review submittal of a complete application**, the commissioner shall:

(1) make a determination as to the eligibility of the training course for on reaccreditation; The commissioner shall **and**

(2) issue a letter of reaccreditation to a training course provider an applicant that fulfills meets the requirements of this rule.

~~(c)~~ **(d) A letter of reaccreditation shall be is** valid for three (3) years from the date of issuance.

~~(d) No later than thirty (30) days after a change, an accredited training course provider reaccredited under this section shall notify the commissioner in writing of a change in the course curriculum, instructional staff, or primary contact person.~~

(Solid Waste Management Division; [329 IAC 12-9-5](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1488; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 38. [329 IAC 12-9-6](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-9-6](#) Representation of an accredited training course provider

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. No person shall make a representation as conducting an accredited **conduct a** training course for the purpose of accrediting **certifying or recertifying** an individual under [329 IAC 12-7](#) and this rule without being currently accredited **as a training course provider** by the commissioner under this rule.

(Solid Waste Management Division; [329 IAC 12-9-6](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 39. [329 IAC 12-9-7](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 12-9-7](#) Accreditation revocation

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-14-8-7](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#); [IC 13-19-3-2](#)

Affected: [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 7. (a) The commissioner may revoke the accreditation of a training course **provider** if the ~~training course~~ provider: ~~commits any of the following:~~

(1) violates **or fails to meet** a requirement of this rule;

(2) falsifies information on an application under section 4 **2.1** of this rule to provide accredited training courses for operators;

(3) falsifies certified operator information; **or**

~~(4) Fails to meet a qualification specified in sections 2 through 5 of this rule.~~

~~(5)~~ **(4)** fails to provide a quality course based on an audit by department personnel.

(b) ~~The accreditation may be revoked following procedures~~ **A revocation may be appealed** under [IC 4-21.5](#).

(Solid Waste Management Division; [329 IAC 12-9-7](#); filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#))

SECTION 40. THE FOLLOWING ARE REPEALED: [329 IAC 12-2-2](#); [329 IAC 12-2-2.1](#); [329 IAC 12-2-2.3](#); [329 IAC 12-2-4](#); [329 IAC 12-2-5](#); [329 IAC 12-2-11.1](#); [329 IAC 12-2-13](#); [329 IAC 12-2-15](#); [329 IAC 12-2-24](#); [329 IAC 12-2-27](#); [329 IAC 12-2-27.2](#); [329 IAC 12-2-30](#); [329 IAC 12-2-33](#); [329 IAC 12-2-36](#); [329 IAC 12-2-38](#); [329 IAC 12-2-39](#); [329 IAC 12-2-42](#); [329 IAC 12-2-45](#); [329 IAC 12-7-4](#); [329 IAC 12-8-2](#); [329 IAC 12-8-3](#); [329 IAC 12-8-4](#); [329 IAC 12-8-5](#); [329 IAC 12-8-6](#); [329 IAC 12-8-7](#); [329 IAC 12-9-2](#); [329 IAC 12-9-3](#); [329 IAC 12-9-4](#).

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Posted: 03/16/2016 by Legislative Services Agency
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